



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,325	08/22/2003	Timothy G. Tyler	512-77	9685

7590 01/24/2007
Thomas M. Galgano, Esq.
GALGANO & ASSOCIATES, PLLC
Suite 204
20 West Park Avenue
Long Beach, NY 11561

EXAMINER

TRETTEL, MICHAEL

ART UNIT PAPER NUMBER

3673

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/646,325	Applicant(s) TYLER, TIMOTHY G.	
	Examiner Michael Trettel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-8, 10-24, 26-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Holbrook (US 5,048,975). Holbrook shows a convertible blanket/bag device 10 of particular interest. As shown in Figure 1, the device can be folded into a tote bag that includes a top opening 14 and front and rear sidewalls with edges 18, 20 attached to one another by zippers 22. Handles 16 are attached to the sidewalls adjacent the opening 14. The bag can be unfolded as is shown in Figure 2 to form a blanket. Longitudinal fold lines 26A and 26B plus transverse fold lines 28A-28E allow the blanket to be folded into the bag configuration. Zippers 22 are placed along the longitudinal fold lines 26A and 26B centered across a midline 28C. The side edges are folded inwardly as shown in Figure 4, and then the ends are folded along lines 28A-28E to form stacked layers as shown in Figure 5. The bag is then folded in half along the center line 2*c and the zippers joined to seal the edges. The bag can be used as a cushion (column 2, line 27) and as a poncho (column 2, lines 58-66) by attaching a hood 32. This inherently creates a cape. The device could also be inherently used as a cushion when it assumes the position shown in Figure 5. A pillow shown in Figure 7 can be placed within the bag. The bag is made from water repellent and insulating textile materials (column 3, lines 3-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook (US 5048975). Holbrook uses zippers 22 as a fastener for closing the edges of the tote bag. The examiner notes that zippers are one well known type of fastener which are equivalent to and can be replaced by other well known types of fasteners, such as hook and loop fasteners, buttons and buttonholes, snaps, ties, and so forth. Because of this well known equivalence it would have been obvious to one of ordinary skill in the art to have replaced the zippers used on the Holbrook tote bag with an equivalent fastener from the group listed above.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holbrook (US 5,048,975) in view of Aranow (US 4,723,300). Aranow teaches that a foldable and convertible tote bag/mat combination can include a pair of pocket 42, 44 on the outer faces of the tote bag. As set forth in column 3, lines 10-15 the purpose of the pockets is to provide additional storage space for the tote bag. It would have been obvious to the skilled artisan to have provided the tote bag shown by Holbrook with at least one pocket attached to a face of the tote bag as taught by Aranow, for the purpose of providing increased storage space for the tote bag.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore (US 6,408,462), Bird (US 5,103,515), Shink (US 5,481,768), McCarley (US 6,275,993), and Otley (US 6,276,828) show tote bags/ground mat combination devices which are of particular interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle, can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
Art Unit 3673